

Alexander A. Berengaut (*pro hac vice*)  
Megan A. Crowley (*pro hac vice*)  
COVINGTON & BURLING LLP  
850 Tenth Street, NW  
Washington, DC 20001  
(202) 662-5367  
aberengaut@cov.com  
mcrowley@cov.com

Rob Cameron  
Nathan D. Bilyeu  
JACKSON, MURDO & GRANT, P.C.  
203 North Ewing  
Helena, MT 59601  
(406) 389-8244  
rcameron@jmgattorneys.com  
nbilyeu@jmgattorneys.com

*Attorneys for Consolidated Plaintiff TikTok Inc.*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION**

\_\_\_\_\_  
SAMANTHA ALARIO, et al., )

)  
)  
*Plaintiffs,* )

and )

TIKTOK INC., )

)  
)  
*Consolidated Plaintiff,* )

v. )

)  
AUSTIN KNUDSEN, *in his official* )  
*capacity as Attorney General of the* )  
*State of Montana,* )

)  
*Defendant.* )  
\_\_\_\_\_ )

) CV 23-56-M-DWM

) CV 23-61-M-DWM

) **DECLARATION OF BLAKE**  
) **CHANDLEE**

I, Blake Chandlee, under penalty of perjury, hereby declare as follows:

1. I am the President of Global Business Solutions for TikTok, a role in which I have served since April 2019. As the President of Global Business Solutions, my responsibilities include overseeing the team responsible for managing TikTok's commercial partnerships, including our relationships with advertisers, and related policy issues. In addition, as a senior executive at the company for over four years, I have become broadly familiar with our operations and policies across a range of other areas, including TikTok's data privacy and security policies, our approach to content moderation, and our engagements with stakeholders and regulators, including the U.S. government. For clarity, references in this declaration to "TikTok Inc." are to the specific U.S. corporate entity that is the Consolidated Plaintiff in this lawsuit, and references to "TikTok" are to the platform and business.

2. The purpose of this declaration is to provide an overview of the TikTok platform and business, and to discuss the effects of "An Act Banning TikTok in Montana," which was passed by the Legislature and signed into law by Governor Greg Gianforte on May 17, 2023. I will refer to this law and its implementation as the "TikTok Ban" or the "Ban." This declaration is based on my personal knowledge.

## **I. TikTok Inc.'s Business**

3. TikTok is an entertainment platform designed to provide a creative and entertaining forum for our users to express themselves and make connections with other content creators and viewers. TikTok users primarily engage with the app by creating and sharing videos or by watching and interacting with videos posted by others. In addition to sharing and commenting on videos, users can connect with one another in a variety of other ways, including “tagging” other users in the comments, using the app’s “duet” and “stitch” tools to create new content that incorporates and responds to content created by others, using the “TikTok LIVE” feature to communicate live with others on the platform, and sending direct messages to one another. (As I discuss below in greater detail, as part of its commitment to minor safety, TikTok does not make several of these features available for users under 18.)<sup>1</sup>

4. To help TikTok users connect with others who post video content that may be interesting to them, TikTok offers a “For You” page, which opens to a collection of videos that is curated by TikTok’s recommendation system. TikTok users can also utilize the app’s “Following” page to watch videos from creators they have chosen to follow. In addition, TikTok has recently introduced a “STEM”

---

<sup>1</sup> For purposes of this declaration, I use the terms “minors” to refer to users under the age of 18, “children” to refer to users under the age of 13, and “teens” to refer to users between the ages of 13 and 17, inclusive.

initiative in the United States to provide users with a dedicated space to explore video content related to science, technology, engineering, and math.

5. TikTok Inc. is a U.S. company with thousands of U.S. employees, with its principal address in Culver City, California. TikTok Inc. is led by a Singapore- and U.S.-based leadership team, which is committed to protecting the privacy and security of U.S. user data and supporting the independent and effective operations of our U.S.-led content moderation team, in accordance with U.S. law.

6. TikTok Inc. is ultimately owned by ByteDance Ltd. (“BDL”). BDL is a global company incorporated in the Cayman Islands that conducts business through local subsidiaries, such as TikTok Inc. and other TikTok operating entities. The TikTok platform is offered in more than 170 countries, but it is not available in China.

7. TikTok was first launched globally in 2017 and re-launched in the United States in August 2018. Since then, TikTok’s user base in the United States has grown rapidly. Within 18 months of its re-launch, TikTok had approximately 40 million monthly active users in the United States. As of March 2023, more than 150 million Americans use TikTok on a monthly basis.

8. TikTok's growth in Montana has followed a similar trajectory. Based on IP address information for March 2023, TikTok estimates that over 380,000 monthly active users accessed TikTok in Montana.<sup>2</sup>

9. TikTok's initial growth was spurred by its appeal to those who value the blend of light entertainment and humor our platform provides. Today, however, TikTok has become a forum for all types of speech, including political speech. Many content creators use our app to express their opinions about social and political issues, highlight their political preferences and candidates of choice, and speak out on today's many pressing political issues, all to an audience of millions of viewers.<sup>3</sup> Many TikTok users also use the app to research a vacation or learn about history or current events.

---

<sup>2</sup> TikTok relies on IP address information to estimate the number of users it has in Montana because the current version of the TikTok app does not collect GPS information from U.S. users. In addition to IP address information, TikTok also collects SIM card region and system region information from U.S. users, which helps TikTok identify the country in which a user is located.

<sup>3</sup> TikTok does not, however, permit paid political advertising on the platform. As I explained in a 2019 blog post announcing our decision, we decided against including political advertising because we concluded it was incompatible with our mission and vision for the TikTok platform. *Understanding Our Policies Around Paid Ads*, TikTok (Oct. 3, 2019), <https://newsroom.tiktok.com/en-us/understanding-our-policies-around-paid-ads>.

10. TikTok is also a forum through which users express their religious faith. Through the use of hashtags like #christiantiktok, individuals connect with others to discuss their faith and to answer questions about their beliefs.

11. Montanans regularly use TikTok to speak about issues they care about. For example, a rancher in Montana, who goes by @bigskycaroline on TikTok, regularly shares videos of her experiences caring for sheep and other animals on her ranch.<sup>4</sup> Her videos have received over 1.2 million likes.<sup>5</sup> As another example, Montana resident Shauna White Bear, an indigenous artisan, uses TikTok to promote her business, White Bear Moccasins, and to communicate with customers about how she makes her moccasins.<sup>6</sup> White Bear has amassed over 70,000 followers on TikTok.<sup>7</sup>

12. TikTok Inc. itself uses the TikTok app to communicate. TikTok Inc. maintains an active account on TikTok, operated by a U.S.-based team, which has more than 70 million followers globally. The company also interacts with users by promoting public-interest content on TikTok, such as our “EduTok” campaign,

---

<sup>4</sup> Big Sky Caroline (@bigskycaroline), TikTok, <https://www.tiktok.com/@bigskycaroline?> (last visited July 3, 2023).

<sup>5</sup> *Id.*

<sup>6</sup> white\_bear\_moccasins (@whitebearmocs), TikTok, <https://www.tiktok.com/@whitebearmocs?lang=en> (last visited July 3, 2023).

<sup>7</sup> *Id.*

which encourages users to create and share educational and motivational content on a variety of themes. The company has also launched other campaigns to share public interest content. For example, TikTok users have the ability to share their perspectives about various public interest issues, including through choosing specific filters, special effects, and stickers available on the platform.

13. In addition to the entertainment, political, and religious content it hosts, TikTok has become a platform through which individuals, including many TikTok users in Montana, earn a living. Creators on TikTok can enter into partnerships with brands who pay to sponsor their content or link their TikTok profile to their personal websites. Small and medium-sized businesses can also use the TikTok platform to reach new audiences and grow their businesses.

14. To support users in creating and sharing content on the platform, in 2020, we launched the TikTok Creator Fund. In 2021, we announced that we would invest \$1 billion in the fund to support U.S.-based creators who make and share videos with others on the platform. U.S. users who are at least 18 years old and meet certain other criteria are eligible to participate in, and can receive funds from, the Creator Fund to help them further their creative pursuits.

15. Although there are other platforms that allow users to post and share content, TikTok differs from these platforms in important respects. For example, unlike other platforms, TikTok does not host written posts or provide a dedicated

space for users to share photos. Instead, the TikTok experience is focused on video content experienced primarily through the app's For You page, which opens a collection of videos curated by TikTok's recommendation system that is based on an individual user's interests. With the For You page, TikTok's focus is on facilitating users' discovery and exploration of new content and new communities that might be of interest to them. TikTok is not as focused on users' interactions with existing friends, family, or co-workers, like some other platforms are.

16. Creators come to TikTok because of the platform's unique attributes. In my experience, creators join TikTok because of its organic reach—that is, the number of people who see a post through unpaid distribution.<sup>8</sup> TikTok's organic reach allows creators to reach large numbers of users—beyond their current universe of followers—without any paid promotion. Moreover, TikTok's recommendation system facilitates users' access to content created by a wide range of individuals, meaning that it is not unusual for videos created by ordinary people to “go viral” and receive thousands, if not millions, of views.

---

<sup>8</sup> See, e.g., Michael Stelzner, *TikTok Content Strategies for Leads and Sales*, Soc. Media Exam'r (Aug. 11, 2022), <https://www.socialmediaexaminer.com/tiktok-content-strategies-for-leads-and-sales/> (explaining that “TikTok is popular with marketers” because “it offers the most organic reach in the shortest timeframe” among “social media platforms”).



## **II. TikTok’s Efforts to Foster a Safe and Supportive Environment for Minor Users**

17. TikTok’s mission is “to inspire creativity and bring joy.”<sup>9</sup> Our commitment to this mission includes our efforts to foster a safe and supportive environment on the TikTok platform. Like other online platforms that host user-generated content, we recognize that some users might seek to share content that is harmful and inappropriate. To address this important issue, TikTok has implemented features, policies, and procedures to help limit harmful and inappropriate content on the app.

18. Our approach to help prevent and remove harmful and inappropriate content from TikTok is built upon the foundation of our Community Guidelines, a publicly-available collection of rules and standards that apply to all TikTok users.<sup>10</sup> The Guidelines prohibit users from posting certain categories of videos to the app, including videos that feature nudity, sexual activity, and sexually explicit or exploitative content, as well as videos that appear dangerous or otherwise harmful.<sup>11</sup>

---

<sup>9</sup> *Our Mission*, TikTok, [https://www.tiktok.com/about?lang\\_en](https://www.tiktok.com/about?lang_en) (last visited July 3, 2023).

<sup>10</sup> *Community Guidelines*, TikTok (last updated Mar. 2023), <https://www.tiktok.com/community-guidelines?lang=en>.

<sup>11</sup> In addition to the Community Guidelines, TikTok also maintains a set of Advertising Policies that govern the content and publication of advertisements on the platform. For example, ads on TikTok may not depict inherently dangerous or illegal behaviors, or conduct that, if copied by users, could lead to physical harm.

The Community Guidelines were created and are continually refined in consultation with third-party experts.

19. I understand that one of the stated concerns animating the TikTok Ban is the assertion that TikTok “fails to remove, and may even promote, dangerous content that directs minors to engage in dangerous activities.” This assertion is not accurate. For years, our Community Guidelines have specifically prohibited “dangerous activities and challenges,”<sup>12</sup> which we explain as follows:

### **Dangerous Activities and Challenges**

We welcome when our community collectively participates in fun and creative trends. Most activities or challenges are appropriate for everyone and bring people together, but some carry a risk of significant injury. **We do not allow showing or promoting dangerous activities and challenges.** This includes dares, games, tricks, inappropriate use of dangerous tools, eating substances that are harmful to one's health, or similar activities that may lead to significant physical harm.

Content is age-restricted if it shows activities that are likely to be imitated and may lead to any physical harm. Content is ineligible for the FYF if it involves activities that are likely to lead to moderate physical harm, or includes professionals who are performing extreme sports and stunts that may endanger others.

To help you manage your TikTok experience, we also apply warning information to this type of content. If you see a dangerous activity or challenge, pause for a moment to stop and think before you decide and act. Learn more about **what to do** if you see an online challenge.

20. Even if content does not violate our Community Guidelines, TikTok takes steps to limit access to content that may be inappropriate for certain users. For example, videos that some users may find to be distressing or sensitive are covered

---

*See TikTok Advertising Policies – Ad Creatives and Landing Page*, TikTok, <https://ads.tiktok.com/help/article/tiktok-advertising-policies-ad-creatives-landing-page?redirected=2> (last visited July 3, 2023).

<sup>12</sup> *Community Guidelines – Dangerous Activities and Challenges*, TikTok (last updated Mar. 2023), <https://www.tiktok.com/community-guidelines/en/mental-behavioral-health/?cgversion=2023>.

by “opt-in viewing screens,” which warn the user that the video may contain sensitive material and ask her if she wants to see the content.<sup>13</sup> Such videos are also ineligible for recommendation into users’ For You pages.<sup>14</sup> More generally, TikTok encourages its users to think critically about whether content is appropriate for them, including through our “Stop, Think, Decide, and Act” campaign, which asks users to think about the content they view on the app, ask questions about it, and make informed decisions before responding to or interacting with it.<sup>15</sup>

21. The TikTok Ban also cites specific examples of dangerous activities that TikTok allegedly fails to remove or actively promotes. These examples, however, do not support the Ban’s allegations against TikTok. For example, the TikTok Ban references an alleged TikTok challenge that involves “cooking chicken in NyQuil.” But as reported in *USA Today* and other outlets, the day before media reports of the so-called “NyQuil Chicken” challenge were published and the FDA issued a statement about the challenge, there were only five searches for “NyQuil

---

<sup>13</sup> Cormac Keenan, *Refreshing Our Policies to Support Community Well-Being*, TIKTOK (Dec. 15, 2020), <https://newsroom.tiktok.com/en-us/refreshing-our-policies-to-support-community-well-being>; Tara Wadhwa, *New Resources to Support Our Community’s Well-Being*, TikTok (Sept. 14, 2021), <https://newsroom.tiktok.com/en-us/new-resources-to-support-well-being>.

<sup>14</sup> Keenan, *supra* n.13; Wadhwa, *supra* n.13.

<sup>15</sup> *Assess Challenges and Warnings*, TikTok, <https://www.tiktok.com/tns-inapp/pages/online-challenges> (last visited July 3, 2023).

chicken” on the TikTok platform.<sup>16</sup> Instead, searches for the purported challenge took off *after* the FDA statement.<sup>17</sup> By that point, TikTok had limited users’ access to content related to “NyQuil chicken” and appended warnings to videos reacting to such content.<sup>18</sup>

22. TikTok proactively enforces its Community Guidelines through a mix of technology-based and human moderation. Every video uploaded to TikTok goes through automated moderation so that content flagged as potentially violative can be automatically removed or escalated for human review by trained moderators. TikTok also encourages its users to take advantage of various tools provided through the app to report content that they believe violates the Community Guidelines. If TikTok identifies violative content—on its own or through its users—TikTok removes such content from the app. TikTok publicly discloses detailed statistics

---

<sup>16</sup> Bailey Schultz, *Were People Actually Eating NyQuil Chicken? Viral Challenge was the Latest Internet Lore*, USA Today (Oct. 14, 2022), <https://www.usatoday.com/story/tech/2022/09/29/cooking-nyquil-chicken-challenge-hoax-fda-warnings/10444293002/>.

<sup>17</sup> *Id.*

<sup>18</sup> Daniel Victor & Amanda Holpuch, *F.D.A. Warning on NyQuil Chicken Alerts Many to Existence of NyQuil Chicken*, N.Y. Times (Sept. 21, 2022), <https://www.nytimes.com/2022/09/21/technology/nyquil-chicken-tiktok-fda.html>.

regarding our enforcement of the Community Guidelines in our Community Guidelines Enforcement reports.<sup>19</sup>

23. Our most recent Community Guidelines Enforcement report (covering January through March 2023) documents that 97.1% of videos deemed to violate the “dangerous acts and challenges” prohibition in the Guidelines were removed proactively, which means they were identified and removed before they were reported by a user. Within the same period, 85.1% of videos identified as violating that prohibition were removed within 24 hours of being posted on the platform, and 71.1% of videos were removed before receiving any views.

24. In addition to its enforcement of the Community Guidelines, TikTok incorporates age-based settings and parental controls. TikTok provides parents the option to impose controls through a tool called “Family Pairing.” Family Pairing allows a parent or guardian to link her TikTok account to that of her teen, allowing the parent or guardian to impose certain restrictions on the teen’s account, including setting screen time limits, deciding whether the teen can search for content on the app, and preventing other users from commenting on the teen’s videos. These

---

<sup>19</sup> *Community Guidelines Enforcement Report, January 1, 2023 – March 31, 2023*, TikTok (June 30, 2023), <https://www.tiktok.com/transparency/en/community-guidelines-enforcement-2023-1/>.

features empower parents and guardians to customize their teens' privacy and safety settings and to set limits on their teens' viewing experience.

25. In addition to providing parents with the Family Pairing tool, TikTok also incorporates age-based settings. U.S. users under the age of 18 are not permitted to host LIVE or use TikTok's monetization features. U.S. users under the age of 16 are subject to additional restrictions. TikTok sets these users' accounts to private by default. In addition, such users are prevented from exchanging direct messages with other users, and any content generated by these users' accounts is ineligible for recommendation on the For You page. TikTok also prevents under-16 users from receiving late-night push notifications.

26. U.S. users under the age of 13 may not have a TikTok account. Instead, there is a separate under-13 user experience, which provides a more limited experience for under-13 users, with safeguards and privacy protections designed specifically for that age group. Within this under-13 experience, users can view fun, creative, and educational videos vetted by a third-party expert, Common Sense Networks, but users cannot post videos of their own, comment on others' videos, exchange messages with others, or maintain a user profile or followers.

27. TikTok continues to add to its safety settings for minors' accounts. For example, in March 2023, after consulting with the Digital Wellness Lab at Boston Children's Hospital, TikTok announced that every account belonging to a person

under the age of 18 will have a one-hour daily screen time limit by default. If the one-hour limit is reached, teens will be unable to continue watching unless they enter a passcode to exceed the daily screen time limit, thereby requiring them to make an active choice to extend their viewing experience. In the under-13 experience, the daily screen time limit will also be set to one hour, and a parent or guardian will need to enter a passcode to enable 30 minutes of additional screen time. For users who opt into Family Pairing, parents can set custom daily screen time limits for their teens who use the app.

### **III. TikTok's Approach to Data Privacy**

28. TikTok is also committed to protecting the privacy of its users. TikTok users have access to a variety of privacy settings, allowing them, for example, to choose whether their account is private or public; impose restrictions on the users who can interact with or comment on their videos; and select which users can tag or mention them in a post.

29. TikTok also protects its users' privacy by restricting the type and volume of data that it collects from users. Like other platforms, TikTok collects certain information from users in accordance with its Privacy Policy and Terms of Service, to which users must agree as a condition of signing up for the app.<sup>20</sup>

---

<sup>20</sup> *Privacy Policy*, TikTok (last updated May 23, 2023), <https://www.tiktok.com/legal/privacy-policy?lang=en>. *See also Terms of Service*,

Pursuant to the Privacy Policy, TikTok collects users' usernames, dates of birth, and, depending on how they sign up for the app, a user's phone number or email address.<sup>21</sup> Unlike other platforms, TikTok does not require its users to provide certain types of personal identifying information, such as the user's real name, employment information, or familial relationships or relationship status.

30. I understand that the TikTok Ban is based on the allegation that "TikTok gathers significant information from its users, accessing data against their will to share with the People's Republic of China." I further understand that the Ban is based on the allegation that TikTok is "stealing [] information and data from users." These assertions are not accurate. TikTok Inc.'s approach to the collection of data is disclosed to users in its Privacy Policy, and we have repeatedly made clear that we have not received any requests for U.S. user data from the Chinese government; have not shared any U.S. user data with the Chinese government in response to such a request; and would not do so if we were to receive a request.

#### **IV. TikTok's Ongoing Efforts to Strengthen Data Security, Software Assurance, and Content Assurance**

31. TikTok Inc. has devoted significant resources to maintaining the security of U.S. user data. Central to TikTok's data security efforts is an initiative

---

TikTok (last updated May 2023), <https://www.tiktok.com/legal/page/us/terms-of-service/en>.

<sup>21</sup> *Id.*



launched in 2021 that is dedicated to safeguarding protected U.S. user data and addressing national security concerns expressed by the U.S. government.<sup>22</sup> Roughly \$1.5 billion has been spent on this initiative to date.<sup>23</sup>

32. As part of this initiative, TikTok Inc. has formed a special-purpose subsidiary, TikTok U.S. Data Security Inc. (“USDS”), that will oversee protected U.S. user data and the TikTok U.S. platform. USDS oversees the functions of TikTok’s business that implicate the national security concerns that have been raised regarding TikTok, including access to protected U.S. user data and decision-making regarding content moderation.<sup>24</sup> As part of the process of organizing USDS, I have worked closely with its leadership on a variety of issues, including data security and content moderation-related issues, particularly as they relate to the interests of our small and medium-sized business partners.

33. TikTok Inc. has also partnered with Oracle Corporation (“Oracle”), a prominent U.S. public company and provider of cloud-based services. As of the date of this declaration, 100% of U.S. user traffic is routed to the Oracle cloud and USDS

---

<sup>22</sup> *About Project Texas*, TikTok, <https://usds.tiktok.com/usds-about/> (last visited July 3, 2023).

<sup>23</sup> *Id.*

<sup>24</sup> *About Project Texas*, TikTok, <https://usds.tiktok.com/usds-about/> (last visited July 3, 2023); *see also* Cormac Keenan, *Strengthening How We Protect and Secure Our Platform in the US*, TikTok (Dec. 8, 2022), <https://newsroom.tiktok.com/en-us/strengthening-how-we-protect-and-secure-our-platform-in-the-us>.

infrastructure in the United States. Moreover, since January 2023, all access to systems containing new protected U.S. user data has been controlled by USDS, and all access to new protected U.S. user data is limited to approved USDS employees. In addition, TikTok's recommendation system for U.S. users, which determines the videos that appear on their For You page, is run in the Oracle Cloud Infrastructure. Oracle has also recently begun inspecting TikTok's source code, which will ultimately serve to identify instances of potential malicious code or security vulnerabilities.

34. Oracle has also been retained to review TikTok's content moderation and recommendation systems to provide additional assurance that those systems operate in accordance with their design specifications.

## **V. Engagement with the Federal Government**

35. TikTok Inc. is committed to cooperating with its stakeholders and regulators, including the U.S. government. In particular, I am aware that since 2019, TikTok Inc. has engaged with the Committee on Foreign Investment in the United States ("CFIUS"), an interagency committee chaired by the U.S. Department of the Treasury, in a national security review. Over the course of CFIUS's review, TikTok Inc. has proposed a number of measures to mitigate the purported national security concerns surrounding TikTok's U.S. user data and content moderation system. The

initiative described in the preceding section was developed and refined in connection with ongoing discussions between TikTok Inc. and CFIUS as part of this review.

## **VI. Effect of a Montana Ban on TikTok**

36. If Montana's TikTok Ban enters into effect, we will be barred from operating TikTok in Montana. That ban will cause significant and irreversible harms to our business and our brand.

37. First, the Montana Ban will restrict TikTok Inc. from using the platform to communicate with Montana users. As discussed above, TikTok Inc. currently creates and shares its own account's content with users around the world, including in Montana. This content includes, for example, videos supporting small businesses, Earth Day, and literacy and education.<sup>25</sup> The TikTok Ban will end that. The Ban will also bar TikTok Inc. from continuing to exercise our judgment about the type of community and forum we want to create, including by preventing TikTok from enforcing its Community Guidelines.

---

<sup>25</sup> TikTok (@tiktok), TikTok, <https://www.tiktok.com/@tiktok/video/7216422827082206506> (last visited July 3, 2023); TikTok (@tiktok), TikTok, <https://www.tiktok.com/@tiktok/video/6839775130407750917> (last visited July 3, 2023); TikTok (@tiktok), TikTok, <https://www.tiktok.com/@tiktok/video/7221947290192334126> (last visited July 3, 2023); TikTok (@tiktok), TikTok, <https://www.tiktok.com/@tiktok/video/7154462247560203566> (last visited July 3, 2023).

38. Second, the Montana Ban will decimate our user base in Montana, which will have immediate and lasting effects on our business. If TikTok is banned in Montana, at least some users and content creators will shift to other platforms such as YouTube, Meta, and Snap. Users and content creators tend to develop lasting brand loyalty when it comes to social media and online entertainment platforms, and if we lose these Montana users and content creators to other platforms, some are not likely to return, even if the TikTok Ban is later reversed.


39. Third, the Montana Ban will dramatically undercut the commercial goodwill associated with the TikTok app and impede our ability to form and maintain commercial partnerships in Montana. Our commercial partners in Montana want to work with us because of the vibrant TikTok community in Montana. The TikTok Ban severely damages our reputation and attractiveness as a commercial partner. This harm to our goodwill will reduce our revenues from existing partnerships in Montana and prevent us from realizing revenue from future expected opportunities in amounts that would be difficult, if not impossible, to quantify, as prospective partners in Montana forge relationships with our competitors instead.

40. The Ban will also severely damage our reputation and goodwill outside of Montana, in particular harming relationships with advertisers and business partners across the country and around the world. In my role as President of Global Business Solutions, I speak with major TikTok advertisers on a daily basis, and the

TikTok Ban has come up in many of these conversations. Because of the TikTok Ban, these advertisers are concerned that we may not be able to deliver on our promise to provide a nationwide audience for their advertising campaigns. More generally, it is clear from these interactions that the TikTok Ban will harm—and is already harming—TikTok’s reputation as the sort of company with which advertisers want to partner. If the Montana Ban is allowed to take effect, we expect that additional advertisers and business partners will pull back from working with TikTok Inc. (which is the entity that receives income from U.S. advertisers, including in Montana) and will develop relationships with other platforms instead. Even if the TikTok Ban is later lifted, it will be impossible to turn back the clock on the relationships that will have been forged with other platforms in the meantime. This lost opportunity to develop relationships with business partners and advertisers is another form of irreversible harm caused by the TikTok Ban.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 5th day of July, 2023.



Blake Chandlee